

# CHILD SUPPORT MODIFICATION

King County Family Law Facilitators: Instruction # C-1  
Revised Code of Washington 26.09.175  
King County Local Family Law Rules

## STEP 1: ACQUIRE THE NECESSARY FORMS AND DOCUMENTS

- [Case Assignment Designation and Case Information Cover Sheet](#)
- [Confidential Information Form, WPF DRPSCU 09.0200](#)
- [Summons for Support Modification, WPF DR 06.0200](#)
- [Petition for Support Modification, WPF DR 06.0100](#) (attach copy of current Order of Child Support)
- [Support Schedule](#)
- [Child Support Worksheets WSCSS – Worksheets or WSCSS – Worksheets RDP \(Registered Domestic Partnership\)](#)
- [Financial Declaration, WPF DRPSCU 01.1550](#)
- [Sealed Financial Source Documents cover sheet, WPF DRPSCU 09.0220](#)
- [Notice Re Dependent of Person in Military Service, WPF DRPSCU 01.0185](#) (if applicable)
- [Return of Service WPF DRPSCU 01.0250](#)
- [Declaration Regarding Personal Service Outside the State of Washington, WPF DRPSCU 01.0180](#) (if applicable)
- [Case Schedule \(provided by the Clerk at time of filing\)](#)
- [Findings and Conclusions on Modification of Child Support, WPF DRPSCU 06.0600](#)
- [Order of Child Support, WPF DR 01.0500](#) (or PS 01.0500 in parentage cases; or CU 01.0500 in nonparental custody cases)
- [Order on Modification of Child Support, WPF DR 06.0700](#)
- [Declaration, WPF DRPSCU 01.0100](#)

**Gather the necessary financial documents listed below. You will attach copies of these documents to the Sealed Financial Source Documents cover sheet:**

- All pay stubs showing income for the past 6 months (if you do not receive pay stubs for any of this period, submit other documents showing all income received from whatever source, and the deductions from income, for any such periods).
- Complete personal tax returns for the prior 2 years together with all schedules and W2 forms.
- Complete partnership and corporate tax returns together with all schedules and attachments for the past 2 years for all partnerships and corporations in which a party's interest is five percent or greater.
- All statements related to accounts in financial institutions in which the parties have or had an interest during the last 6 months. "Financial Institutions" includes banks, credit unions, mutual fund companies and brokerages.
- If a party receives or has received non-taxable income or benefits (for example, from a trust, barter, gift, etc.), documents that show receipts, the source, and any deductions, for the past 2 years.

- (Check registers shall also be supplied within 14 days if requested by the other party)

<b>STEP 2: FILL OUT THE FORMS AND MAKE COPIES</b>
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**Fill out the following forms first:**

- Case Assignment Designation and Case Information Cover Sheet
- Confidential Information Form – This form is required at the initial filing of all family law cases. This form will only be available to judges, commissioners and other court personnel carrying out the business of the court, and to any state administrative agency that administers programs under Title IV-A, IV-D, or IV-E of the Federal Social Security Act (the Department of Social and Human Services).
- Summons
- Petition – **In this document you may request that the Court modify the support order retroactive to the date of filing this modification. If you have issues dealing with back support, you must address them with the Child Support Officer assigned to your case or consult with an attorney. This packet does not address modifying back support owed.**
- Child Support Worksheets and Child Support Schedule
- Financial Declaration
- Sealed Financial Source Documents. Documents filed under this cover sheet will not be available for viewing by the general public, except by court order. Parties and attorneys of record in the case will have access to the documents. A separate copy of the cover sheet, without attachments, should be filed at the same time and will be part of the court public record.

**Make three copies** of the following forms. Group the copies into sets as indicated in the box on the next page. Mark each set according to who will receive it. You will need a 4<sup>th</sup> set of copies for the King County Prosecutor if either party has ever received public assistance.

- Summons
- Petition
- Child Support Worksheets
- Financial Declaration
- Sealed Financial Source Documents cover Sheet with attachments

<b>Originals</b>	<b>Copy Set #1</b>	<b>Copy Set #2</b>	<b>Copy Set #3</b>	<b>Copy Set #4</b>
<b>File with Clerk's Office</b>	<b>Keep for your records</b>	<b>Have Server Mail or Deliver to the other parent</b>	<b>Deliver to the Judge assigned to your case (See Case Schedule)</b>	<b>Mail or Deliver to Prosecuting Attorney if either party has ever received public assistance.</b>
<ul style="list-style-type: none"> <li>• Cover Sheet with</li> <li>• Case Assignment Designation</li> <li>• Confidential Information Form</li> <li>• Summons</li> <li>• Petition</li> <li>• Child Support Worksheets</li> <li>• Financial Declaration</li> <li>• Sealed Financial Source Documents with attachments</li> </ul>	<ul style="list-style-type: none"> <li>• Summons</li> <li>• Petition</li> <li>• Child Support Worksheets</li> <li>• Financial Declaration</li> <li>• Sealed Financial Source Documents with attachments</li> </ul>	<p><b>See step 5</b></p> <ul style="list-style-type: none"> <li>• Summons</li> <li>• Petition</li> <li>• Child Support Worksheets</li> <li>• Financial Declaration</li> <li>• Sealed Financial Source Documents with attachments</li> <li>• Notice Re Dependent of Person in Military</li> </ul>	<ul style="list-style-type: none"> <li>• Summons</li> <li>• Petition</li> <li>• Child Support Worksheets</li> <li>• Financial Declaration</li> <li>• Sealed Financial Source Documents with attachments</li> </ul>	<ul style="list-style-type: none"> <li>• Summons</li> <li>• Petition</li> <li>• Child Support Worksheets</li> <li>• Financial Declaration</li> <li>• Sealed Financial Source Documents with attachments</li> </ul>

### **STEP 3: TALK TO AN ATTORNEY, IF POSSIBLE**

**These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action.** If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators' office for a Legal Resource List; or the King County Bar Association Lawyer Referral Line for information about resources for low income people. Even if you do not hire a lawyer to represent you throughout the proceeding, a lawyer can look over your paperwork, give you advice on how to present your evidence, and tell you whether this type of action is right for you.

### **STEP 4: FILE WITH THE CLERK'S OFFICE**

**Go to the King County Clerk's Office, Cashier's Window.** The Clerk's Office is open Monday - Friday (except holidays) 8:30 a.m. to 4:30 p.m.

#### **Give the Clerk the following:**

- Confidential Information Form (original)
- Summons (original)
- Case Assignment Designation and Case Information Cover Sheet (original)
- Petition (original)

- Child Support Worksheets (copy)
- Financial Declaration (original)
- Sealed Financial Source Documents cover sheet with attachments
- A copy of Sealed Financial Source Documents cover sheet without attachments
- Filing Fee or *Order to Proceed In Forma Pauperis* (waives the filing fee)

**The Clerk will give you two copies of the Case Schedule** (one for you and one for the other parent).

<b>STEP 5: HAVE THE OTHER PARENT SERVED</b>
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**Have the other parent served with the required documents by someone other than you who is over the age of 18.**

Revised Code of Washington 26.09.175(2)

*“If the decree to be modified was entered in this state, service shall be by personal service or any form of mail requiring a return receipt.”*

**Someone other than you must do the mailing or delivery.**

If personal service is made outside the state of Washington, you must also file a “Declaration Regarding Personal Service Outside the State of Washington” (WPF DRPSCU 01.0180), explaining why personal service cannot be made in-state. Failure to file this form invalidates service. File the original with the Clerk and keep a copy for your records.

**Have the other parent served with the following:**

- Summons (copy)
- Petition (copy)
- Your completed Child Support Worksheets (copy)
- Your completed Financial Declaration (copy)
- Your completed Sealed Financial Source Documents cover sheet and Attachments (copy)
- Case Schedule (copy)
- Notice Re Dependent of a Person in Military Service (if applicable)

**Have the Server fill out the Return of Service form.** Make sure they have listed the date and time of the mailing or personal delivery to the other parent and signed the form. You may fill in the caption, case number, etc. yourself. After the Server has completed the Return of Service form, make one copy for yourself and file the original with the Clerk’s Office.

**If either party has ever received public assistance, you must deliver a set of copies to the PROSECUTING ATTORNEY’S OFFICE, FAMILY SUPPORT SECTION. See the distribution chart on page 3**

<b>STEP 6: WAIT FOR THE OTHER PARENT TO RESPOND</b>
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**If the other parent does not respond** by serving and filing the Response form, Child Support Worksheets, and Financial Declarations with Attachments within 20 days from the day they were served in the State of Washington (60 days if served outside the State of Washington), you can seek a Child Support Modification by Default (see Facilitator Instruction #C-4).

**If the other parent does respond** within 20 days from the day they were served in the State of Washington (60 days if served outside the State of Washington), follow the Case Schedule given to you by the Clerk when you filed your documents.

#### **STEP 7: FOLLOW YOUR CASE SCHEDULE AND PREPARE FOR TRIAL**

**Follow your Case Schedule.** Your Case Schedule lists several deadlines you must meet prior to your trial. Your trial will take place approximately three months from the date you filed.

**Observe a Child Support Modification trial if you can.**

**Facilitators cannot assist you with trial preparation.** You may wish to consult with an attorney prior to your trial. A packet that explains the deadlines on your Child Support Modification Case Schedule is available from Northwest Women's Law Center.

#### **STEP 8: COMPLETE YOUR TRIAL AFFIDAVIT**

Using the Declaration form, explain why you need a support modification, giving any information about your income and expenses that is relevant. You may also give information about the respondent's income or expenses. This is your Trial Affidavit. Make 3 copies (4, if the Prosecuting Attorney's Office is involved in the case). Your original Trial Affidavit must be filed in the Clerk's Office and a copy delivered to the opposing party by the deadline in your Case Schedule. Keep one copy for yourself and include one copy in your Working Papers (see step 10 below).

The person responding to the support modification also has a deadline for submitting a Trial Affidavit. You may then submit a Reply Affidavit, following the procedure outlined above.

#### **STEP 9: COMPLETE YOUR FINAL DOCUMENTS**

**Complete the following forms for delivery by the deadline in your Case Schedule.** Sign each form under "**Presented By**" on the last page.

- Findings and Conclusions on Modification of Child Support

- Order on Modification of Child Support
- Order of Child Support
- Child Support Worksheets

**Make one copy of each of these completed forms for yourself if you have not previously done so.**

**Make two additional copies of the forms listed above** and write the word **“Proposed”** at the top of the first page of each of the ***copies*** (**do not write this on the originals**).

**Deliver one set of copies to the opposing party. If the opposing party is represented by an attorney, deliver the copies to the attorney.** As with the judge’s working papers, deliver these papers by noon on the date indicated in your Case Schedule.

**Include one set of copies in the Judge’s Working Papers. (See Step 10, below.)**

**Copy and deliver another set of copies to the King County Prosecuting Attorney’s Office, if the State is involved in your case.**

<b>STEP 10: CONFIRM YOUR TRIAL DATE AND DELIVER WORKING PAPERS</b>
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**Confirm your trial date by delivering “Working Papers” to the Judges’ Mailroom by 12:00 p.m. (noon) on the date indicated in your Case Schedule. If you fail to meet this deadline, your case may be dismissed.**

**Working Papers consist of the following:**

- Petition (copy)
- Summons (copy)
- Financial Declaration (copy)
- Sealed Financial Source Documents cover sheet and Attachments (copy)
- Return of Service signed by the Server (copy)
- Trial Affidavit (copy), and Reply Affidavit (copy)
- Findings and Conclusions On Modification Of Child Support (a copy with “Proposed” written on it)
- Order on Modification of Child Support (a copy with “Proposed” written on it )
- Order of Child Support (a copy with “Proposed” written on it)
- Child Support Worksheets (copy)

**Write the following in the top right hand corner of the first page of the Working Papers before delivering them to the Judges’ Mailroom:**

WORKING PAPERS  
 TRIAL BY AFFIDAVIT COORDINATOR  
 TRIAL BY AFFIDAVIT: \_\_\_\_\_  
 (LIST YOUR TRIAL DATE)

Presented by: \_\_\_\_\_  
(PRINT YOUR NAME)

## STEP 11: GO TO YOUR TRIAL

### Bring the following to your trial:

- Findings and Conclusions on Modification of Child Support (completed original)
- Order on Modification of Child Support (completed original)
- Order of Child Support (completed original)
- Child Support Worksheets (completed original)
- Copies of all the documents relating to your case.

**On the day of your trial** go to your courtroom and check in with the courtroom clerk. Be on time. You will have approximately 20 minutes to present your case. Be organized and have all your documents in order.

**If you would like copies of the documents signed by the Judge,** tell the courtroom clerk. Do not leave the courthouse with the originals of these documents. The originals must be filed with the clerk in the courtroom or in the Clerk's Office.

**WARNING:** These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court). If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List* or call the King County Bar Association Lawyer Referral Line.